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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26<sup>TH</sup> DAY OF AUGUST 2009

BEFORE :

THE HON'BLE MR.JUSTICE MOHAN SHANTANAGOUDAR

WRIT PETITION No.9418/2008 (GM-RES)

**Between :**

State Public Information Officer  
& Deputy Registrar (Establishment)  
The High Court of Karnataka  
High Court Building,  
Dr.Ambedkar Veedhi  
Bangalore-560 001.

.. Petitioner

( By Sri Nagananda, Sr.Counsel for  
Sriranga Associates )

**AND :**

N.Anbarasm  
Residing at Apple Soft,  
No.39, 1<sup>st</sup> Cross  
1<sup>st</sup> Main, Shivanagar,  
West of Chord Road,  
Bangalore-560 010.

.. Respondent

( By Sri N.Anbarasan, Party-in-person )

This Writ Petition is filed under Articles 226 & 227 of the Constitution of India praying to quash the order dated 14.5.2008 (Annexure-G) passed by the Karnataka Information Commission.

This Writ Petition coming on for hearing this day, the Court made the following :

**ORDER**

Heard the learned advocates appearing on behalf of both parties and perused the statement of objections filed by the respondent.


2. Petitioner has sought for quashing the order at Annexure-'G' dated 14.5.2008 passed by the Karnataka Information Commission, by which the State Chief Information Commissioner has directed the petitioner to furnish certain records free of cost to the complainant.

3. The respondent herein filed an application before the Public Information Officer-Deputy Registrar of High Court of Karnataka, Bangalore, for furnishing the certified copies of the following information/documents as per the provisions of Section 6(1) of the Right to Information Act, 2005 :

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1. Guidelines, rules pertaining to scrutiny of Writ Petition.
2. Guidelines, rules pertaining to classification of Writ Petition.
3. Guidelines, rules which prescribes to post a Writ Petition only on early hearing application or memo.
4. Procedure, guidelines and rules followed when the respondent has not filed the written statement as per the order of the Honourable High Court.
5. Number of occasions/times requests made by Respondents for postponing the hearing and the reasons projected by them.
6. Number of hearings held in Writ Petition Number 26657/2004.
7. Number of times the Writ Petition Number 26657/2004 posted for hearing.
8. Orders of Hon.Judge in all hearings of Writ Petition Number 26657/2004.

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9. Objections, Written submission, Written statements filed by the respondents in Writ Petition Number 26657/2004.
  10. Procedure, Guidelines, rules followed in posting the Writ Petition Number 26657/2004,
  11. Early hearing application, memo and any other request made by the advocate for petitioner in Writ Petition Number 26657/2004.
  12. Number of hearings held in Writ Petition Number 17935/2006.
  13. Number of times the Writ Petition Number 17935/2006 posted for hearing.
  14. Orders of Hon.Judge in all hearings in Writ Petition Number 17935/2006.
  15. Objections, Written submission, Written statements filed by the respondents in Writ Petition Number 17935/2006.
  16. Procedure, Guidelines, rules followed in posting the Writ Petition Number 17935/2006.
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17. Early hearing application, memo and any other request made by the advocate for petitioner in Writ Petition Number 17935/2006."

The Public Information Officer passed the order vide Annexure-'B' dated 3<sup>rd</sup> August 2007, informing the respondent herein that the information sought for by the respondent in respect of the guidelines, rules pertaining to scrutiny of the writ petition, guidelines and rules pertaining to classification of the writ petition, the procedure, guidelines and rules followed by the High Court whenever the respondent has not filed his statement, are available in Karnataka High Court Act and Rules, 1959. In respect of information relating to Sl.No.2, the Public Information Officer informed the respondent herein that he should deposit Rs.15/- to furnish the list regarding classification of the writ petition. As regards information relating to Sl.No.5, the request of the respondent was not considered as the request was not specific. As regards Sl.Nos.6 to 17, the concerned officer informed the respondent herein that he may obtain the certified copies of the order sheet pertaining to the Writ Petition No.26657/2004 and Writ

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Petition No.17935/2006 in accordance with the Rules. Being aggrieved by the said order at Annexure-'B', the respondent herein filed complaint under Section 18 (1) of the Right to Information Act, 2005 as per Annexure-'C' before the Karnataka Information Commission. It is relevant to note that the respondent did not challenge the order vide Annexure-'B'. Thus, the order Annexure-'B' has attained finality. However, the respondent herein chose to file complaint under Section 18(1) of the Right to Information Act on 17<sup>th</sup> January 2008, contending therein that the certified copies of the information is not furnished to him in spite of paying fees within the time limit. The petitioner herein filed the statement of objections before the Karnataka Information Commission. After hearing, the impugned order is passed as per Annexure-'G' to the writ petition, directing the petitioner to furnish High Court Act & Rules and the order sheet in two writ petitions free of cost to the complainant.

The information as sought for by the respondent in respect of Item Nos.1, 3 and 4 mentioned above are available in Karnataka High Court Act and Rules made thereunder. The

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said Act and Rules are available in market. If not available, the respondent has to obtain copies of the same from the publishers. It is not open for the respondent to ask for copies of the same from the petitioner. But strangely, the Karnataka Information Commission has directed the petitioner to furnish the copies of the Karnataka High Court Act & Rules free of cost under Right to Information Act. The impugned order in respect of the same is illegal and arbitrary.

The information in respect of to Item Nos.6 to 17 is relating to Writ Petition No.26657/2004 and Writ Petition No.17935/2006. The respondent is a party to the said proceedings. Thus, according to the Rules of the High Court, it is open for the respondent to file an application for certified copies of the order sheet or the relevant documents for obtaining the same. ( See Chapter-17 of Karnataka High Court Rules, 1959). As it is open for the respondent to obtain certified copies of the order sheet pending as well as the disposed of matters, the State Chief Information Commissioner is not justified in directing the petitioner to furnish copies of the same free of costs. If the order of the State Chief

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Information Commissioner is to be implemented, then, it will lead to illegal demands. Under the Rules, any person who is party or not a party to the proceedings, can obtain the orders of the High Court as per the procedure prescribed in the Rules mentioned supra. The State Chief Information Commissioner has passed the order without applying his mind to the relevant Rules of the High Court. The State Chief Information Commissioner should have adverted to the High Court Rules before proceeding further. Since the impugned order is illegal and arbitrary, the same is liable to be quashed. Accordingly, the following order is made :

The impugned order dated 14.5.2008 vide Annexure-'G' passed by the Karnataka Information Commission, is quashed. Writ petition is **allowed** accordingly.

Sd/-  
JUDGE

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